

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

FRED HANEY, MARSHA MERRILL,
SYLVIA RAUSCH, STEPHEN SWENSON,
and ALAN WOOTEN, Individually and on
Behalf of All Others Similarly Situated,

Plaintiffs,

vs.

GENWORTH LIFE INSURANCE
COMPANY and GENWORTH LIFE
INSURANCE COMPANY OF NEW YORK,

Defendants.

Civil Action No. 3:22-cv-00055-REP

CLASS ACTION

CLASS COUNSEL'S APPLICATION FOR AN AWARD OF ATTORNEYS' FEES AND
EXPENSES AND SERVICE AWARDS TO THE NAMED PLAINTIFFS

Plaintiffs Fred Haney, Marsha Merrill, Sylvia Rausch, Stephen Swenson, and Alan Wooten (“Plaintiffs” and collectively “Named Plaintiffs”) respectfully move the Court for entry of an Order: (i) awarding Class Counsel attorneys’ fees in the amount of a contingent payment of 15% of the cash damages payments made pursuant to the Special Election Options selected by each Class Member, in an amount not to exceed \$13 million, and the payment of litigation expenses of \$39,697.92; and (ii) award the Named Plaintiffs \$15,000 each in connection with their representation of the Class. The grounds and reasons for granting this relief are stated with particularity in the accompanying brief and other supporting papers.

Pursuant to this Court's Order Granting Preliminary Approval of Settlement and Directing Notice to the Class, a hearing is set for November 17, 2022, at 10:00 a.m. to address this motion. (ECF No. 31). Proposed orders will be submitted with Plaintiffs' reply submission on or before November 3, 2022.

DATED: September 16, 2022

PHELAN PETTY, LLC

/s/ Jonathan M. Petty

JONATHAN M. PETTY (VSB No. 43100)
MICHAEL G. PHELAN (VSB No. 29725)
3315 West Broad Street
Richmond, VA 23230
Telephone: 804/980-7100
804/767-4601 (fax)
jpetty@phelanpetty.com
mphelan@phelanpetty.com

ROBBINS GELLER RUDMAN
& DOWD LLP
STUART A. DAVIDSON (*pro hac vice*)
BRADLEY BEALL (*pro hac vice*)
120 East Palmetto Park Road, Suite 500
Boca Raton, FL 33432
Telephone: 561/750-3000
561/750-3364 (fax)
sdavidson@rgrdlaw.com
bbeall@rgrdlaw.com

GOLDMAN SCARLATO & PENNY, P.C.
BRIAN DOUGLAS PENNY
Eight Tower Bridge, Suite 1025
161 Washington Street
Conshohocken, PA 19428
Telephone: 484/342-0700
484/342-0701 (fax)
penny@lawgsp.com

BERGER MONTAGUE PC
SHANON J. CARSON
GLEN L. ABRAMSON
1818 Market Street, Suite 3600
Philadelphia, PA 19103
Telephone: 215/875-3000
215/875-4604 (fax)
scarson@bm.net
gabramson@bm.net

Attorneys for Plaintiffs and Class Counsel

CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2022 I filed the foregoing pleading or paper through the Court's CM/ECF system, which sent a notice of electronic filing to all registered users.

/s/ Jonathan M. Petty

Jonathan M. Petty (VSB No. 43100)
PHELAN PETTY, LLC
3315 West Broad Street
Richmond, VA 23230
Telephone: 804/980-7100
804/767-4601 (fax)
jpetty@phelanpetty.com

Counsel for Plaintiffs